

## REMARKS

The application includes claims 1-29 prior to entering this amendment.

The examiner rejected claims 1-3 and 7-29 under 35 U.S.C. §103(a) over Widegren, et al. (U.S. Publication No. 2002/0062379) in view of Amin, et al. (U.S. Patent No. 7,171,221).

The examiner rejected claims 4-6 under 35 U.S.C. §103(a) over Widegren in view of Amin and Walrand, et al. (U.S. Patent No. 6,674,760).

The applicant amends claims 1-3, 8-10, 18-19, 23-24, and 28-29.

The application remains with claims 1-29 after entering this amendment.

The applicant adds no new matter and request reconsideration in view of the following remarks. The applicant points out that the claimed subject matter may be patentably distinguished from the cited reference(s) for multiple reasons; however, the following remarks are believed to be sufficient. Likewise, it is noted that the applicant's failure to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions.

## Claim Rejections - 35 U.S.C. §103

The examiner rejected claims 1-3 and 7-29 under 35 U.S.C. §103(a) over Widegren in view of Amin.

The examiner rejected claims 4-6 under 35 U.S.C. §103(a) over Widegren in view of Amin and Walrand.

With regard to claim 1, the examiner indicates that:

Widegren does not however disclose the media proxy is inserted according to the network proximity between the first and the second endpoints.<sup>1</sup>

The examiner then indicates with regard to Amin:

Amin teaches telephone proximity is determined through data collected by the telephones themselves or by other means in communication with the telephones, such as a network, or by a combination of the two. Also the network may establish a positioning node at a mobile switching center (MSC) to calculate proximity between telephones (col. 2, lines 6 - 32).<sup>2</sup>

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<sup>1</sup> Office Action, page 3.

<sup>2</sup> Office Action, page 3.

Respectfully, the teachings of Widegren and Amin are not combinable, and further Amin's proximity is not the same as the applicant's "network proximity" (as recited in claim 1).

Regarding combining the teachings of Widegren and Amin, Widegren's teachings are for multimedia sessions between two endpoints:

The present invention provides an effective and efficient way to provide end-to-end IP quality of service and to manage that quality of service within each domain in the end-to-end path in a multimedia session using media binding information. This media binding information permits interworking of resources owned or controlled by the UMTS network with resources in the external packet data network. Furthermore, the media binding information provides a mechanism to support service-based policy enforcement on individual multimedia flows in the session.<sup>3</sup>

The applicant is unable to find teachings in the cited portions of Widegren, or elsewhere in Widegren, that provide for transferring one end of the multimedia session between ones of a plurality of endpoints. In contrast, Amin's teachings refer only to transferring one end of a communications path between a first endpoint and a second, physically near, endpoint:

According to the method proximity of a first telephone to a designated telephone is determined, transfer of a call from the first telephone through the one or more networks to the designated telephone is initiated in response to the proximity, the transfer is authorized, and the call is accepted on the designated telephone.<sup>4</sup>

Further (as explained in more detail below), there is no dynamic selectivity in Widegren onto which the teachings of Amin regarding transferring based on physical proximity might be construed to apply. Thus there is no reasonable basis for combining Widegren and Amin as their teachings are incompatible. Even if one were to improperly combine Widegren and Amin, Amin's transferring is between a first endpoint and a second, physically near, endpoint whereas the applicant's claim 1 recites "to determine whether to selectively insert a media proxy into a call path" (emphasis added), which is clearly not related to Amin's transferring between endpoints.

Regarding Amin's "proximity", Amin teaches:

"Proximity" is used broadly in this summary and in the description to follow. Telephones are "proximate" when they are near or adjacent to each other. Nearness may mean a measurement of distance between a moving telephone and a fixed one, or it may entail measurement of distance between two moving telephones. The term proximity can also signify the intersection of areas or volumes that contain the telephones.<sup>5</sup>

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<sup>3</sup> Widegren, [104].

<sup>4</sup> Amin, col. 1, lines 53-59.

<sup>5</sup> Amin, col. 1, lines 60-67.

Thus Amin's proximity is physical proximity. Amin has multiple examples of physical proximity and methods of computing it, but makes no mention of "network proximity" and "wherein the network proximity is according to a network topology relationship of the first endpoint and the second endpoint" (emphasis added, as recited in the applicant's claim 1).

Additionally, the applicant points out that the teachings of Widegren, even if combined with a reference replacing Amin, are not adequate for a rejection. Widegren teaches a fixed network topology where use of a proxy is not a dynamic selective part of the process. For example, the examiner cited Widegren [112] which teaches:

The IP multimedia system 82 includes a Call State Control Function, in this example a proxy-CSCF (P-CSCF) 98 is shown, and a Policy Control Function (PCF) 100. P-CSCF 98 and PCF 100 may be implemented on the same or different servers. The Proxy-Call State Control Function 98 functions as a SIP proxy for the SIP user agent UE-A 88.<sup>6</sup>

The cited portions of Widegren do not have any teachings of "whether to selectively insert a media proxy into a call path associated with the call signaling" (emphasis added) as recited in the applicant's claim 1. Nor does Amin include any teachings regarding "dynamically determine whether or not to selectively insert a media proxy into a call path" (emphasis added) as recited in the applicant's claim 1. The teachings of Amin are only for "automatically transferring telephone calls between telephones"<sup>7</sup> and not include any teachings regarding use of a proxy.

Accordingly, as Widegren and Amin, either alone or in combination, do not teach or suggest all of the elements recited in claim 1, claim 1 is in condition for the examiner's allowance for at least this reason.

Regarding claim 10, claim 10 was rejected for the identical reasons as claim 1. Claim 10 recites (emphasis added):

*a call controller monitoring a first endpoint sending call signaling, wherein the call controller selectively causes quality of service reservation for a media path between the first endpoint and a second endpoint according to a network proximity of the first endpoint with the second endpoint; and*

*wherein the network proximity corresponds to a network topology relationship of the first endpoint and the second endpoint.*

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<sup>6</sup> Widegren, [112].

<sup>7</sup> Amin, col. 1, lines 51-52.

As explained above with regard to the rejection of claim 1, the teachings of Widegren and Amin are not combinable, Amin's physical proximity is not the same as the applicant's "network proximity" (as recited in claim 10), and additionally Widegren teaches a fixed network topology where use of a proxy is not a selective part of the process.

Accordingly, as Widegren and Amin, either alone or in combination, do not teach or suggest all of the elements recited in claim 10, claim 10 is in condition for the examiner's allowance for at least this reason.

Regarding claim 15, claim 15 was rejected for the identical reasons as claim 1. Claim 15 recites (emphasis added):

*dynamically deciding whether to insert a Quality of Service (QoS) intermediary into a media session between two endpoints according to a relative proximity of the two endpoints in the packet switched network.*

As explained above with regard to the rejection of claim 1, the teachings of Widegren and Amin are not combinable, Amin's physical proximity is not the same as the applicant's "proximity ... in the packet switched network" (as recited in claim 15), and additionally Widegren teaches a fixed network topology where use of a proxy is not a dynamically decided part of the process.

Accordingly, as Widegren and Amin, either alone or in combination, do not teach or suggest all of the elements recited in claim 15, claim 15 is in condition for the examiner's allowance for at least this reason.

Regarding claim 20, claim 20 was rejected for the identical reasons as claim 1. Claim 20 recites (emphasis added):

*means for dynamically deciding whether to insert a Quality of Service (QoS) intermediary into a media session between two endpoints according to a relative proximity of the two endpoints in the packet switched network.*

As explained above with regard to the rejection of claim 1, the teachings of Widegren and Amin are not combinable, Amin's physical proximity is not the same as the applicant's "proximity ... in the packet switched network" (as recited in claim 20), and additionally Widegren teaches a fixed network topology where use of a proxy is not a dynamically decided part of the process.

Accordingly, as Widegren and Amin, either alone or in combination, do not teach or suggest all of the elements recited in claim 20, claim 20 is in condition for the examiner's allowance for at least this reason.

Regarding claim 25, claim 25 was rejected for the identical reasons as claim 1. Claim 25 recites (emphasis added):

*dynamically deciding whether to insert a Quality of Service (QoS) intermediary into a media session between two endpoints according to a relative proximity of the two endpoints in the packet switched network.*

As explained above with regard to the rejection of claim 1, the teachings of Widegren and Amin are not combinable, Amin's physical proximity is not the same as the applicant's "proximity ... in the packet switched network" (as recited in claim 25), and additionally Widegren teaches a fixed network topology where use of a proxy is not a dynamically decided part of the process.

Accordingly, as Widegren and Amin, either alone or in combination, do not teach or suggest all of the elements recited in claim 25, claim 25 is in condition for the examiner's allowance for at least this reason.

As dependent claims 2-9, 11-14, 16-19, 21-24, and 26-29 incorporate all of the elements of their respective independent claim, and as the independent claims are allowable per the remarks above, dependent claims 2-9, 11-14, 16-19, 21-24, and 26-29 are in condition for the examiner's allowance for at least this reason.

Further, with regard to claims 4-6, the examiner indicates that:

Widegren does not teach inserting media proxy into the call path by applying Internet Protocol (IP) addresses for the first and second endpoints to a subnet mask; furthermore, Widegren does not teach the processor requests the subnet mask from an IP address assignment server. And furthermore, Widegren does not teach the processor receives the subnet mask in the monitored call signaling, the processor not inserting the media proxy into the call path when the first and second endpoints have a same subnet address and inserting the media proxy into the media path when the first and second endpoints do not have the same subnet address.<sup>8</sup>

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<sup>8</sup> Office Action, pages 8-9.

Respectfully, Walrand cannot supply the missing teachings of Widegren because Walrand has no reference to subnet masks. The word “mask” does not even appear in Walrand. Thus, Walrand cannot teach “wherein the processor determines the network proximity by applying Internet Protocol (IP) addresses for the first and second endpoints to a subnet mask” as recited in the applicant’s claim 4 (emphasis added). The applicant notes that claims 5 and 6 depend on claim 4 and include this same element.

Accordingly, as Widegren, Amin, and Walrand, either alone or in combination, do not teach or suggest all of the elements recited in claims 4-6, claims 4-6 are in condition for the examiner’s allowance for at least this reason.

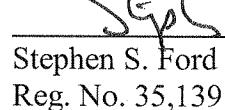
## CONCLUSION

For the foregoing reasons, the applicant requests reconsideration and allowance of all pending claims. The applicant encourages the examiner to telephone the undersigned if it appears that an interview would be helpful in advancing the case.

**Customer No. 73552**

Respectfully submitted,

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